

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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<b>JUAN D. RODRIGUEZ CASIANO,</b>	:
Plaintiff,	:
	: <b>ORDER</b>
– against –	: 24-CV-7644 (AMD) (ST)
	:
<b>REM RESIDENTIAL/BUILDING MANAGER,</b>	:
	:
Defendant.	:
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**ANN M. DONNELLY**, United States District Judge:

Before the Court is the *pro se* plaintiff’s application to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915, in his employment discrimination action against his employer. As explained below, the Court denies the application without prejudice.

A plaintiff must pay \$405, which includes a \$350 filing fee and a \$55 administrative fee, to commence a civil action. 28 U.S.C. § 1914(a). The Court may, as a matter of discretion, waive these fees if it finds that a plaintiff is indigent. *Castro v. NewRez, LLC*, No. 22-CV-6340, 2022 WL 16822967, at \*2 (E.D.N.Y. Nov. 3, 2022) (quoting *Cuoco v. United States Bureau of Prisons*, 328 F.Supp.2d 463, 467 (S.D.N.Y. 2004)). *DiGianni v. Pearson Educ.*, No. 10-CV-206, 2010 WL 1741373, at \*1 (E.D.N.Y. Apr. 30, 2010).

In his IFP application, the plaintiff states that he has \$20,051.89 in his checking or savings account and is currently employed with take-home pay of \$664.70 a week. (ECF. No. 2.) He also has \$2,884 in monthly expenses. Based on this financial declaration, it does not appear that the plaintiff’s “access to [] court” is “blocked by his financial condition.” *Castro*, 2022 WL 16822967, at \*2.

The plaintiff's IFP application is therefore denied without prejudice. The plaintiff may, if he wishes, submit an Amended IFP application within 14 days of the entry of this Order on the docket. If the plaintiff does not file an amended IFP form or pay the \$405 filing fee, the Court will dismiss this action without prejudice.

### CONCLUSION

The Court denies the plaintiff's application to proceed *in forma pauperis* without prejudice. The plaintiff must either pay the \$405 filing fee to the Clerk of Court of the Eastern District of New York or file the long form IFP application within 14 days of the date of this Order.

If the plaintiff pays the filing fee, the Clerk of Court will issue the summons and the plaintiff must serve the summons and complaint in accordance with Rule 4 of the Federal Rules of Civil Procedure.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The plaintiff may wish to consult the City Bar Justice Center's Federal Pro Se Legal Assistance Project at (212) 382-4729 for free, confidential, limited-scope legal assistance.

The Clerk of Court is respectfully directed to send the plaintiff a copy of this Order and Form AO239 and note the mailing on the docket.

**SO ORDERED.**

s/Ann M. Donnelly

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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
November 12, 2024